

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

VERONICA VALVERDE-GALINDO,

Defendant.

8:14CR374

ORDER

This matter is before the court on the motion of Thomas L. Niklitschek to withdraw as counsel for the defendant, Veronica Valverde-Galindo (Valverde-Galindo) (Filing No. 34). The court held a hearing on the motion on February 24, 2015. Laura Garcia-Hein served as an interpreter in the Spanish language. During an *ex parte* in camera discussion with Mr. Niklitschek and Valverde-Galindo, the court determined the attorney-client relationship between Mr. Niklitschek and Valverde-Galindo had ruptured to the point where the relationship could not be retrieved and the motion should be granted. The court further determined Valverde-Galindo is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. Valverde-Galindo also requested additional time for her new counsel to prepare for trial.

IT IS ORDERED:

1. Mr. Niklitschek's motion to withdraw (Filing No. 34) is granted.
2. The Federal Public Defender for the District of Nebraska is appointed to represent Valverde-Galindo for the balance of these proceedings. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft

appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

3. Mr. Niklitschek shall forthwith provide the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Niklitschek which are material to Valverde-Galindo's defense.

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska.

IT IS FURTHER ORDERED that the trial of this matter scheduled for March 16, 2015, is canceled and is rescheduled to commence before Senior Judge Bataillon and a jury **on April 27, 2015**. The ends of justice have been served by granting her additional time to prepare for trial and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 24, 2015, and April 27, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's new counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 24th day of February, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge